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REMARKS

Claims 15-21, 23-32 and 42-47 remain pending in this application. Claims 1-14, 22 and 33-40 have been cancelled, without prejudice.

Claims 15-32 and 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Peale (U.S. Patent No. 15,192) or Rygg (U.S. Patent No. 4,218,782) in view of Lazarus (U.S. Patent No. 5,104,399) or Sakura (U.S. Patent No. 4,214,587). While the Applicant does not agree with these combinations, as stated in prior responses, Applicant has amended claim 15, the only independent claim, to add additional limitations that Applicant submits further distinguish the invention from the cited references. Applicant reserves the right to file a continuation application to continue prosecution of the prior set of claims.

Applicant submits that the invention described in amended claim 15 is not shown or described in any of the references of record. Claim 15 is amended to claim a valve for implantation at a desired location within a mammal that includes a flexible sleeve having a proximal end, a distal end and an outside surface; at least one cusp configured to permit blood flow through the at least one cusp in a single direction; at least one ring attached to the outside surface of the sleeve, the at least one ring being attached to a portion of the sleeve that is not everted; and at least one fastener extending in a direction radially outward with respect to the sleeve.

None of the cited references describes or suggests an embodiment that has at least one ring attached to the outside surface of the sleeve, the at least one ring being attached to a portion of the sleeve that is not everted. Peale and Rygg describe attaching the valves described in those references by either suture or by some undescribed means. Lazarus attaches a graft (without a valve) to the inner wall of a blood vessel by expanding a staple 16, 17, 104, 126 disposed within the lumen of the graft. Sakura attaches a graft (without a valve) by evertting a portion of the graft over spring 10 and permitting the spring to expand by removing the restraint or snare loop 20. Evertting the graft complicates the attachment of the valve as it introduces another layer of tissue between the valve and the insider surface of the vessel. As a result,

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Applicant submits that none of the cited references can be combined to show all of the elements of the claimed element, and requests that the Examiner indicate that claims 15-21, 23-32 and 42-44 are allowable.

Applicants grant the PTO permission to charge the deposit account no. 10-0750/BST/HRT0287 for any fees or charges related to this application. Applicant respectfully requests the Examiner to contact the below-signed if a discussion regarding the merits would advance prosecution of this case.

Respectfully submitted,

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